

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MALINKA MOYE,

No. C 08-02126 SBA

Plaintiff,

ORDER

v.

[Docket No. 6]

CITY AND COUNTY OF SAN
FRANCISCO AUTO RETURN,

Defendant.

On April 24, 2008, plaintiff *pro per* sued defendant City and County of San Francisco Auto Return. *See* Docket No. 1. Plaintiff's complaint simply states, "[i]ntentional violation of plaintiff [sic] civil rights. Prevention of Equal Access to Justice Act. Car stolen. RICO Act." *See id.* at 2. In his Complaint, plaintiff provided no other allegations to support these claims. *See id.* This same day, plaintiff filed an Application to Proceed *in Forma Pauperis* (the "Application"). It was difficult to read and illogical. *See* Docket No. 3. For example, plaintiff alleged he had a monthly income of \$750,000, no expenses, yet received Supplemental Security Income from the Social Security Administration. *See id.*

On April 30, 2008, the Court denied plaintiff's Application on the grounds his complaint failed to state a claim upon which relief could be granted, and because his Application failed to sufficiently demonstrate he could not pay or provide security for court costs and still provide himself and any dependents with the necessities of life. *See* Docket No. 6. Nonetheless, the Court gave plaintiff 30 days from April 30, 2008, to file a First Amended Complaint and an amended Application. *See id.* The Court warned plaintiff, however, if he failed to perform these tasks by this deadline, the Court would dismiss this matter without prejudice. *See id.*

On May 1, 2008, Judge Phyllis J. Hamilton found plaintiff had filed in 2008, nine suits in the Northern District, some against the same defendants, and had failed to state a claim upon which relief could be granted in any of them. *See* Docket No. 7. She also found plaintiff had been declared vexatious by the San Francisco Superior Court, where he had filed approximately 80 suits

1 since 2002. *See id.* On May 6, 2008, Court mail addressed to plaintiff was returned to the Clerk's
2 office as undeliverable.¹ *See* Docket No. 8.

3 Because plaintiff failed to file a First Amended Complaint and an amended Application as
4 ordered, within 30 days of April 30, 2008, and considering other subsequent developments in this
5 matter, the Court DISMISSES this matter without prejudice. All matters calendared in this action
6 are VACATED. The Clerk shall CLOSE the file and TERMINATE any pending matters.

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8 IT IS SO ORDERED.

9 July 1, 2008

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11 Saundra Brown Armstrong
12 United States District Judge
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28 ¹ A party, *pro per* or otherwise, has a duty to inform the Clerk of their current address, and
may suffer a dismissal for failing to do so. *See* N.D. Cal. L.R. 3-11.

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2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA
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6

7 MALINKA MOYE,

Case Number: CV08-02126 SBA

8 Plaintiff,

CERTIFICATE OF SERVICE

9 v.

10 CITY AND COUNTY OF SAN FRANCISCO et
11 al,

12 Defendant.
13 _____/

14 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,
Northern District of California.

15 That on July 2, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies)
16 in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in
the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's
17 office.
18

19 Malinka Moye
40. 42. Parsons Street
20 San Francisco, CA 94118

21 Dated: July 2, 2008

22 Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk
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